

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WEST DIV CINCINNATI

IN RE APPLICATION OF THE
UNITED STATES OF AMERICA
FOR AN ORDER PURSUANT TO
18 U.S.C. § 2703(d) DIRECTING AT&T TO
PROVIDE HISTORICAL CELL SITE
LOCATION RECORDS RELATED TO THE
CELLULAR TELEPHONES IDENTIFIED BY
CALL NUMBERS 513-545-6154 AND
513-324-5626

CASE NO. **1:17MJ-198**

UNDER SEAL

**APPLICATION FOR COURT ORDER
FOR DISCLOSURE OF HISTORICAL CELL-SITE RECORDS**

The United States of America, by and through its undersigned counsel, hereby moves this Court pursuant to 18 U.S.C. § 2703(c)-(d) for an order (1) requiring AT&T, an electronic communication service within the meaning of 18 U.S.C. § 2510(15), to disclose to the Federal Bureau of Investigation ("FBI"), all available toll records to include call detail, SMS Detail, data sessions, per call measurement data ("PCMD"), cell site and cell site sector information related to the use of a cellular telephones identified by the call numbers **513-545-6154** and **513-324-5626** for the period from November 21, 2016 to November 29, 2016; (2) precluding the provider of such service from disclosing to the subscriber or customers or to any other unauthorized person this request, any court order issued in connection with this request, the fact of disclosure of such records to the FBI or the existence of this investigation, pursuant to 18 U.S.C. § 2705(b); and (3) sealing the government's application, the Court's order, and any related documents.

In support of this application, the undersigned states as follows:

1. The undersigned is an attorney for the government as defined by Rule 1(b) of the Federal Rules of Criminal Procedure and, therefore, pursuant to 18 U.S.C. § 2703(c) may apply for an order as requested herein.

2. The United States is investigating The Fair Housing Prevention of Intimidation Act and the investigation concerns possible violations of 42 U.S.C. § 3631, among other offenses.

3. Victim A, an African-American male, and his wife, Victim B, a white female, own a two-family residence on Seton Avenue, Cincinnati, Ohio 45202 (the “Residence”). Victim A and Victim B rent out the Residence to tenants. On November 22, 2016, Victim A and Victim B evicted two of the tenants from the Residence.

4. According to Victim A, on November 23, 2016, he checked on the Residence to make sure it was secure. Victim A and Victim B then left the Cincinnati area and traveled out of state to visit their daughter for the Thanksgiving holiday.

5. After returning to the Cincinnati area, on November 28, 2016, Victim A went to check on the Residence. Victim A found that the inside of the Residence had been spray-painted with slurs (including “Die Nigger,” “White Power,” and “Slum Lord”) as well as swastikas. Additionally, Quikrete—a cement product—had been poured down drains. Interior walls and rails in the Residence were kicked-in and a steak knife was stabbed into the floor. The water in the Residence had been left running, which destroyed internal piping and the ceiling. A gas stove had been turned on and paint had been dumped down the burners. Carpet was torn up, and holes were punched into the dry wall.

6. Victim A and Victim B provided their cellular telephone numbers to law enforcement. Victim A uses 513-324-5626. Victim B uses 513-545-6154.

7. A records check conducted by law enforcement revealed that 513-545-6154 and 513-324-5626 are utilized by AT&T Wireless.

8. Disclosure of this application, the Court's order, or the fact that the requested records have been produced to the FBI may seriously jeopardize this pending criminal investigation.

9. WHEREFORE, applicant requests the Court to enter the attached Order requiring AT&T to disclose to the FBI all available toll records to include call detail, SMS Detail, data sessions, per call measurement data ("PCMD"), cell site and cell site sector information, including International Mobile Subscriber Identifier ("IMSI"), and/or International Mobile Station Equipment Identity ("IMEI") related to the use of the cellular telephones identified by the call numbers **513-545-6154** and **513-324-5626** for the period from November 21, 2016 up to and including November 29, 2016; (2) precluding the provider of such service from disclosing to the subscriber or customers or to any other unauthorized person this request, any court order issued in connection with this request, the fact of disclosure of such records to the FBI or the existence of this investigation, pursuant to 18 U.S.C. § 2705(b); and (3) sealing the government's application, the Court's Order and any related documents until otherwise ordered by the Court.

Executed on March 17, 2017.

Respectfully submitted,

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